

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

TRUSTEES OF THE SUBURBAN TEAMSTERS)	
OF NORTHERN ILLINOIS WELFARE AND)	
PENSION FUNDS,)	
)	
Plaintiffs,)	
)	No.
v.)	
)	Judge
)	
JEMIKO BATES, Individually and d/b/a)	
BATES TRUCKING COMPANY,)	
an Illinois corporation not in good standing)	Magistrate Judge
)	
Defendant.)	

COMPLAINT

Plaintiffs, TRUSTEES OF THE SUBURBAN TEAMSTERS OF NORTHERN ILLINOIS WELFARE AND PENSION FUNDS ("Funds"), by their attorneys, John J. Toomey, of Arnold and Kadjan, complain against Defendant, JEMIKO BATES, Individually and d/b/a BATES TRUCKING COMPANY, an Illinois corporation not in good standing, as follows:

JURISDICTION AND VENUE

1. (a) Jurisdiction of this cause is based upon Section 502 of the Employee Retirement Income Security Act of 1974, 29 U.S.C. Section 1132 ("ERISA") and 29 U.S.C. 1145 as amended.

(b) Venue is founded pursuant to 29 U.S.C. Section 1132(e) (2) in this district, where the Funds as described in Paragraph 2, ~~are administered and 185(c).~~

PARTIES

2. (a) Plaintiffs are the TRUSTEES OF THE SUBURBAN TEAMSTERS OF NORTHERN ILLINOIS WELFARE AND PENSION FUNDS ("Funds") and have standing to sue pursuant to 29 U.S.C. 1132(a)(3).

(b) The SUBURBAN TEAMSTERS OF NORTHERN ILLINOIS WELFARE AND PENSION FUNDS have been established pursuant to collective bargaining agreements previously entered into between the International Brotherhood of Teamsters and its affiliated locals ("the Union") and Employers;

(c) The Funds are maintained and administered *in this federal district* in accordance with and pursuant to the provisions of the National Labor Relations Act, as amended, and other applicable state and federal laws, and also pursuant to the terms and provisions of the Agreements and Declarations of Trust which establish the Funds.

3. (a) JEMIKO BATES, Individually and d/b/a BATES TRUCKING COMPANY, an Illinois corporation not in good standing, employs employees represented by the Union and is bound to make contributions for weeks worked by all employees and upon subcontractors who perform work which would otherwise be performed by employees.

(b) JEMIKO BATES, Individually and d/b/a BATES TRUCKING COMPANY, an Illinois corporation not in good standing, has its principal place of business at Kankakee, Illinois.

(c) JEMIKO BATES, Individually and d/b/a BATES TRUCKING COMPANY, an Illinois corporation not in good standing, is an employer engaged in an industry affecting commerce.

4. Effective October 1, 2010, BATES TRUCKING COMPANY, an Illinois corporation not in good standing, entered into a Memoranda of Agreements with Teamsters 179 which bound it to the terms stated in the Area Construction Agreements that were/are effective for the period from June 1, 2010 through May 31, 2017, which requires contributions to the Funds pursuant to 29 U.S.C. 1145 (Exhibits A and B).

5. Pursuant to the collective bargaining agreement between JEMIKO BATES, Individually and d/b/a BATES TRUCKING COMPANY, an Illinois corporation not in good standing and the Union, JEMIKO BATES, Individually and d/b/a BATES TRUCKING COMPANY, an Illinois corporation not in good standing company, has failed and continues to fail to make its obligated contributions to the Fund for the period January, 2012 through December, 2015, as disclosed in an audit which took place on March 16, 2016.

6. The audit disclosed \$4,578.19 due the Pension Fund and \$2,528.84 due the Welfare Fund for a total of \$7,108.03 inclusive of liquidated damages and interest

WHEREFORE, Plaintiffs pray:

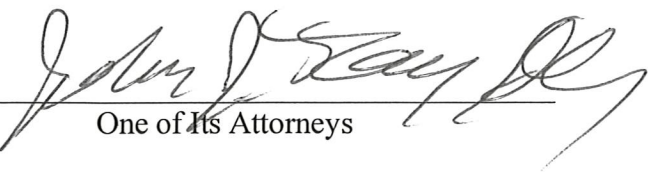
A. This court enter judgment in favor of the Plaintiffs and against JEMIKO BATES, Individually and d/b/a BATES TRUCKING COMPANY, an Illinois corporation not in good standing in the amount of the audit, \$7,107.04.

B. That this court award the plaintiffs their attorneys' fees, costs, interest, and liquidated damages pursuant to 29 U.S.C. 1132(g)(2) and the relevant collective bargaining agreements and trust agreements.

C. That the Court grant such further relief as is proper.

TRUSTEES OF THE SUBURBAN TEAMSTERS
OF NORTHERN ILLINOIS WELFARE AND
PENSION FUNDS

By: _____


One of Its Attorneys

John J. Toomey
ARNOLD AND KADJAN
203 N. LaSalle Street
Suite 1650
Chicago, Illinois 60601
(312) 236-0415

EXHIBIT A

Bates Trucking Co.
002081310

GENERAL TEAMSTERS LOCAL #179

Affiliated with the I.B. of T.

**OWNER/OPERATOR
AREA CONSTRUCTION AGREEMENT**



Effective June 1, 2010 through May 31, 2012

ARTICLE 30
Duration and Termination

30.1 This Agreement shall become effective on June 1, 2010, and shall remain in full force and effect until and including May 31, 2012. After May 31, 2012, this Agreement shall be renewed automatically for periods of one (1) year unless either the Employer or the Union gives written notice to the other of a desire to modify, amend or terminate same at least sixty (60) days prior to the expiration of any such period.

In witness whereof the parties have hereunto set their hands this 1st day of June, 2010.

FOR TEAMSTERS LOCAL 179

BY: [Signature]

TITLE: President

DATE: 10/20/10

FOR THE EMPLOYER

EMPLOYER: Bates Trucking Co.

ADDRESS: 1550 Newton Rd. Apt 2

Bethlehem IL 60914
City State Zip

PHONE: 815-523-3060

FAX: _____

PRINT NAME: Jemila Bates

SIGNATURE: [Signature]

TITLE: President

DATE: 10-20-10

EXHIBIT B

002081310

AREA CONSTRUCTION AGREEMENT

between

**CONTRACTORS ASSOCIATION OF WILL AND
GRUNDY COUNTIES**

and

TEAMSTERS LOCAL UNION NO. 179


Affiliated with the I.B. of T.



Effective June 1, 2012 through May 31, 2017

SIGNATURE PAGE FOR NON-ASSOCIATION EMPLOYERS

FOR TEAMSTERS LOCAL UNION NO. 179:

BY: 

TITLE: Representative

DATE: 10/20/14

FOR THE EMPLOYER:

COMPANY NAME: Bates Trucking Co.

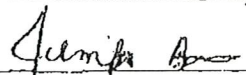
ADDRESS: 1530 Newbould Dr. Apt 2

Bombay Hills LI 60914
City State Zip

PHONE: 815 770-1095 FAX: 815 935-2260

EMAIL: Batesmktgconcept.net

PRINT NAME: Jeniko Bates

SIGNATURE: 

TITLE: Owner

DATE: 10-17-14